

The ROAD to Nowhere

(A FEMA Story)

On October 10, 2018, Hurricane Michael tore its way through Jackson County, leaving behind an unprecedented level of devastation and destruction. The eye of the storm charted a ferocious course through the County coming in from the southeast corner then, carving a path of destruction through Jackson County and the surrounding region, before exiting out of the northeast corner with maximum sustained wind speeds registered at 160 mph. Hundreds of homes were decimated or considered a total loss, buildings were leveled, and millions of trees were either uprooted or snapped in two, like toothpicks. Some reports estimate that the county lost a third of its trees in a matter of a day. The storm also left thousands of citizens without power, and many were trapped in their homes by debris for several weeks. The level of destruction from the storm was evident everywhere. The landscape and surroundings had completely changed. Massive trees and debris littered the roadways. So much so that many areas were unrecognizable even to lifelong residents.

Immediately following the storm, the County and its staff went to work to begin the recovery process. The earliest that we were able to get onto the roads was the morning of October 11th. The first hands on scene were those of locals. Communities unified to free themselves, then their neighbors, and so on. As citizens worked together to make paths just wide enough for vehicles to take turns traveling on one thin winding lane of twisted trees and debris, county staff gradually joined one another at the Emergency Operations Center to begin making sense of the devastation. With communications completely down, it was several days before we knew the status of our entire team or our County. It was critical in the early days of debris removal to make paths for first responders, such as paramedics, to be able to access our citizens. There was work to be done, with no time to waste. The efforts of county staff that followed were not of job descriptions, titles, duties, or optics. They were for the care of our citizens, neighbors, and families. Our people. That's what makes up a County and a community. People. Not geographic borders, district lines, elected seats, or roads, but People.

Hurricane Michael was officially declared a "Major Disaster" by President Trump on October 11th, 2018, thereby authorizing Federal Aid to our area. Days later, Emergency Management officials from the State of Florida and Washington D.C. began to arrive in Marianna. FEMA mobilized Urban Search and Rescue teams to go door to door to do wellness checks for the Jackson County citizens. We were grateful. We felt a sense of hope. While we had never undergone this much devastation from a singular event, we felt comforted by the awareness of State and Federal partners. Following the success of the wellness checks, FEMA began working the County through the FEMA Public Assistance Program (PA). Under the program FEMA covers

applicable costs for debris removal, life-saving emergency protective measures, and restoring public infrastructure. Still reeling from the shock of the disaster and limited experience in the field of disaster recovery the County did not have the capacity to manage its own disaster claim in house and at FEMA's recommendation procured a professional disaster consultant to assist with the PA process.

With the help of GP Strategies, the County received over \$15 Million for costs related to debris removal, parks and recreation infrastructure, water and sewer infrastructure, and building repairs. The bulk of the reimbursement the County received were related to Debris Removal Expense.

In conjunction with the initiation of the Public Assistance process, the State of Florida graciously extended the opportunity for debris to be picked up by the Florida Department of Transportation in fiscally constrained counties. Fiscally constrained counties are those counties in Florida for which the value of a mill will raise no more than \$5 million in revenue, based on the taxable value, certified under s. 1011.2(4)9a)(4)9a)1.a., from the previous July 1. All fiscally constrained counties in the impacted area benefited from this opportunity.

Fortunately, we had three debris contractors in place at the time of the storm. We soon determined that we needed to issue "Notices to Proceed" to all three contractors due to the overwhelming amounts of debris. Truly overwhelming. Our Road and Bridge Superintendent at the time, Jayson Cain, divided the county into three areas to help manage the geographic, and material magnitude of the disaster. The State ultimately managed these contracts until May of 2019.

As a result of their early presence, we thought that we had begun a partnership with FEMA that centered around one thing: Trust. FEMA provided us with hope during a time of uncertainty. While the cameras were present, and the area was getting news coverage, (though not the coverage we deserved), FEMA officials were here to answer questions and shake hands. We were relying on FEMA to guide us. Trusting them. After all, we were the victims of a terrible disaster. With millions of trees downed and more than 9.7 million cubic yards of debris on the ground, we were desperate for help. We were relying on the experts to guide us and to provide a clear path forward to recovery. At least, at the beginning that was the case. We had so many excellent representatives from the federal government. The team of people that descended on Jackson County was amazing. They were compassionate, competent, and well versed in FEMA policy. They offered us solutions to our issues and guided us as we began to navigate the FEMA Public Assistance program's challenges. With a consultant in place and FEMA on our side, we were sure we would fully recover from Hurricane Michael.

As the County continued to work through its PA claim it became apparent that the Counties paved roads suffered extensive damage as a result of the storm. The primary causes for

these damages were downed trees that had fallen on the road surfaces and shoulders as well as the unavoidable damages caused by the debris haulers when removing debris from the roadways. As soon as the County discovered the issues with our roads, we notified FEMA and confirmed that these damages were eligible. The County then conducted an extensive damage assessment of all our paved roads and identified almost 4,000 individual damage sites to our roadways. Once we submitted all our damage assessments to FEMA within the proper time frame the next step in the process is for FEMA to conduct in person site inspection of the sites to verify the damage. The County first requested these site inspections in early 2019, however as days turned into weeks and weeks turned into months, until we were in October of 2019 with no definite answer as to when the inspections would take place.

Our initial damage assessment started just after the storm and finished around January of 2019. We identified an estimated \$75M in damages to our paved and unpaved road network. We identified each road with damages and quantified these damages to the best of our ability with limited time to complete the initial assessment. These preliminary assessments were followed in the next two months by detailed inspections as we began to coordinate with FEMA leaders on scheduling joint site visits. Our presentation of the damages to the FEMA Infrastructure Branch Director at the time and Site Inspection Task Force Lead included pictures and on-site visual inspections. Meaning, actual people came to see the destruction with their own eyes. Our County explained the processes in identifying the damages and our understanding of how the damages occurred. This presentation was received positively by both FEMA IBD and Site Inspection TFL who both that the damages were considered eligible according to FEMA policy.

We intentionally kept a transparent line of communication with the local FEMA team as we attempted to schedule a large joint inspection program for all our identified road damages across the County. We asked them for ways to overcome any challenges that we faced, and they consistently offered help.

However, there was one area of our relationship with FEMA that was consistently difficult from the beginning. That was organizing site assessments to confirm our disaster damages. TO BE CLEAR, from the very beginning, FEMA stressed the importance of joint site assessments. Following the guidance of the experts, we requested site inspections of our road damage early in the process. Due to the widespread damage across the region and staffing limitations, FEMA was not able to schedule joint site inspections with the County over the spring or summer of 2019. Whether intentional or not, this would ultimately prove to be convenient for FEMA.

Imagine showing up to your first day of school, and your instructor says "Class, at the end of the semester, you must take an exam that will determine your grade. I will provide you with the study materials if you ask for them, but you must ask for them. You may not use any other

study materials. Only what I provide. I'm telling you this now so that you understand the importance. So be proactive in asking for study materials." You take the instructor's direction, and you request the materials. None are provided. You ask again and still, none are provided. Throughout the semester your instructor reminds you that the exam will determine your grade. By the end of the semester, you still have no study materials. So, you approach the instructor and ask, "Why have I received no study materials?" The instructor replies, "Sorry, I was busy. Now take your seat, the exam begins now."

During that period, the FEMA IBD was demobilized and new IBDs were installed. Finally, on the one-year anniversary of the storm, we had the opportunity to speak directly with the FEMA Regional Director and the Federal Coordinating Officer. The County expressed its frustration that our road damages had not been addressed and the exhaustive work we performed to identify all the damages in advance of planned inspections was not utilized. Additionally, our roads continued to unravel. They both committed to resolving this issue immediately. What ensued was an extremely involved and coordinated effort by FEMA with the County and our engineers to review the detailed damage description and dimensions collected during the first part of 2019.

A team of highly experienced FEMA professionals all agreed, based on the level of detail provided, that the most appropriate approach to reviewing and approving the damages was to conduct a tabletop inspection program. This involved rounds of document review in coordination with our engineering teams. The result of those efforts was an agreed-upon description of damages between FEMA and our County. We were very pleased with the priority FEMA gave, the effort delivered by the team, and the results of that effort. After the damages were agreed upon, FEMA developed a scope of work and a cost estimate as part of a Final Project Worksheet for our paved road damages. We were finally going to get to repair our broken County.

Sadly, all that effort and goodwill was brought to an abrupt end when FEMA installed a new management regime for Jackson County who promptly dismantled all the work that their highly skilled and experienced predecessors had completed. This team ultimately deemed the damage to our roadways caused by the storm to be ineligible for FEMA assistance.

The new management team, led by Infrastructure Branch Director, verbally demeaned, accused, and berated our team from our first interaction. She withdrew the Project Worksheet completed by the previous FEMA team and demanded 100% reinspection of the roads. While we believed there was no justification for this re-inspection and the exercise was simply punitive in nature, we agreed to the re-inspection to move forward. Again, finding sufficient inspection teams and scheduling proved difficult for FEMA and the inspections did not occur until October 2020, just after Hurricane Sally wrought havoc on our unpaved road infrastructure. The next round of inspections resulted in the same outcome.

FEMA agreed with our engineering team's findings of damage details and dimensions. They found that all the visual damage presented in the original assessments that we started collecting in 2018 was still evident. The result of that re-inspection produced the Project Worksheet that we ultimately had to dispute. A Project Worksheet that includes all the same damage, a similar scope, a similar cost estimate, and a contrived application of policy to deny funding to Jackson County. Although no joint site inspections had been performed, we were informed by FEMA Program Delivery Manager, on December 10, 2019, that "All road inspections are complete."

Unfortunately, this new regime's hostility towards Jackson County increased with open and apparent bias. This bias was demonstrated through hostility, verbal berating, and ultimately causing harm to our county by working to undermine the work that we had strived for nearly two years to restore our community. Your community. Your home.

For clarity, FEMA's Core values are as follows:

- **Compassion** is the expression of our care for others. We are understanding, empathetic, and inclusive as we support fellow employees, partner organizations, individuals, and communities.
- **Fairness** is treating everyone impartially, offering unbiased and consistent assistance, and ensuring equal access to resources and tools.
- **Integrity** encompasses our responsibility as stewards of Federal resources, services, and programs, and our conduct as trusted professionals. We earn trust by being accountable, present, honest, and dependable. is the practice of acknowledging the value of the people we work with and serve. We are committed to active listening and welcoming diversity of thought, opinion, and background.
- **Respect** is the practice of acknowledging the value of the people we work with and serve. We are committed to active listening and welcoming diversity of thought, opinion, and background.

From the time the new group in 2020 took over the oversight of Hurricane Michael, we experienced none of these.

After repeated attempts to gain understanding and work with the team that continued to hard time our county, we requested a new team to be instated due to the mistreatment we were receiving. The request was granted; however, the damage had already been done.

Unfortunately, the open line of communication built on trust and our reliance on FEMA to be on our team, came to an end in the summer of 2020. Nothing had changed for Jackson County. We were still the same, transparent group of people that had kept FEMA in the loop from the very beginning. Unfortunately, FEMA's team had changed many times. They were not the same "compassionate, competent, and well versed in FEMA policy" group of people. Their willingness to help us fully recover had dissipated. It appeared that the desire was to withhold help, rather than facilitate it.

Our only recourse was to enter an appeal process that eventually led to arbitration. Our arbitration dates were March 1-2, 2022. The County hired an expert law firm to help fight this battle. The firm is Baker & Donelson of Tallahassee. Their firm specializes in FEMA policy. We wanted to have the best chance possible of winning. With our best foot forward and the truth on our side, we presented our case to three judges with the Civilian Board of Appeals. The process was disappointing to say the least.

From the outset, the Head Judge stated that she did not want to hear “how bad the disaster was.” That they “...know how *bad* it was.” She must have been here during Hurricane Michael. She must have hoped and prayed for the safety of her loved ones, lived without power for months, worked in the heat of long days freeing neighbors from trapped homes, witnessed the destruction of daily environment; to “...know how *bad* it was.” The announcement was not comforting. Further, she was visibly disinterested. Bored even. She held that posture throughout. In fact, she was observed to be sleeping a couple of times during the hearing. While the other two judges appeared to be a bit more engaged, the head judge was obviously leading the charge. All of Jackson County’s representation remained composed and professional. The same cannot be said for FEMA’s. They were aggressive, rude, and demeaning. They came to school ready for a fight.

At the conclusion of the arbitration, the Head Judge announced that they had 60 days to render an opinion. A mere 12 days later we received the judges’ finding that Jackson County’s road damage is ineligible.

The reasons they cited were that County failed to quantify the damages:

“The documentation the applicant provided does not demonstrate that the road damages were incident-related or that they were unavoidable and not due to improper or excessive use. The record does not provide sufficient documentation of the pre-disaster condition of the roads, such as maintenance records, to demonstrate that the particular road damages resulted from the disaster rather than from prior deterioration or deferred maintenance. The record does not distinguish between damages caused by the applicant’s debris removal activities and the actions of private citizens and volunteers. Moreover, the record demonstrates that vehicle weights exceeded expected road capabilities, which caused some of the damage that could have been avoided or limited, e.g., by use of proper protective mats. The applicant has exaggerated the damage that resulted from the disaster and provided insufficient specifics to support its claim for relief. The applicant has not met its burden.”

Unfortunately, all the reasons for deeming our road damage as ineligible were addressed during the standard Public Assistance process, as well as during arbitration.

The debris is gone, but the damage is a constant reminder that our community deserved better by our federal government. Despite our experience with FEMA, we continued to trust that there were competent and just professionals as was our experience for most of our journey. We can now attest that this was never the case again once we were sabotaged by the group in 2020. We have seen all the facts, we have read the policy, and we have attempted to evaluate our situation dispassionately. We continue to side with the original opinions of FEMA management that acknowledged that the damages are eligible and should have been approved for repair.

FEMA became the opposite of our friendly, federal partner that arrived in the aftermath of Hurricane Michael. FEMA had initially consoled us by reaffirming that the purpose of their program, the Public Assistance Program, was to restore our county's damaged infrastructure and buildings to their pre-storm condition. Ultimately, FEMA implied that Hurricane Michael and its documented catastrophic effects had no impact on our roadways. Simply, that it was our fault...

Read that last part again. Read it out loud.

While FEMA disappointed, there are three representatives with the federal government that did not. Senator Marco Rubio, Senator Rick Scott, and Representative Neal Dunn fought for Jackson County. All of them offered care and concern in their own unique ways. Most recently, Senator Rubio sent a letter to FEMA on our behalf asking for FEMA to deem our road damage as eligible. We owe a debt of gratitude to these gentlemen and their staff for their steadfastness in trying to fight for Jackson County.

Our words for you, the citizen.

This was NOT your fault. This was NOT our fault. This is our home, and we are proud of the compassion and resiliency that you have all displayed over the past few years.

Thank you for your continued patience in these difficult seasons.

The Jackson County Board of County Commissioners will continue to search for solutions to repair the road damages caused by Hurricane Michael. Unfortunately, that relief will not be realized from FEMA.

Sadly, when the dust settles and the cameras are no longer rolling, FEMA is not here to help, after all.

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Additional Statistics

9.7 million cubic yards of debris

- This volume approximates 1,200,000 tons!
- The County maintains approximately 600-miles of paved roadway.
- 9.7 million CY of debris distributed over 600-miles of roadway equals 16,233-CY per mile; 3.1-CY per linear foot of roadway; or 1.55-CY per linear foot of roadway with debris equally distributed on both sides of the road.
- 1.55-CY equals 42-cubic feet. The debris piles would measure 5-feet high X 8-feet deep for every linear foot of roadway on both sides of the roads!
- If the Jackson County eligible debris was laid out on both sides of the East and Westbound lanes of Interstate 10 (I-10) the debris piles would stretch from Tallahassee, FL, through the Florida Panhandle, through the Alabama Panhandle, and just shy of the Mississippi-Louisiana border, a distance of 300-miles!

The Original Request

Jackson County requested PA reimbursement to repair damage to multiple roads, shoulders, embankments and associated components, (e.g., guardrails, concrete curbs, and ditches) within its five paved road districts (Facilities) for a total of \$20,318,582.18. Each of the Facilities includes roads, shoulders, and embankments.

- o 254845: Paved Roads District 1 (approximately 493 sites) - \$1,159,233.04
- o 254847: Paved Roads District 2 (approximately 587 sites) - \$3,669,960.81
- o 254851: Paved Roads District 3 (approximately 205 sites) - \$4, 047,603.13
- o 254855: Paved Roads District 4 (approximately 822 sites) - \$2,018,741.99
- o 254858: Paved Roads District 5 (approximately 1,604 sites) - \$8,551,426.39

FEMA declared that NONE of our road damage was from Hurricane Michael. The eligible repair costs (guardrails, concrete curbs, and ditches) estimated by FEMA are \$871,616.83.

